

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCOTT,

Plaintiff,

Case No. 1:04-cv-312

v.

Hon. Richard Alan Enslen

TERRY PITCHER,

Defendant.

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ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed June 5, 2006, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that Defendant Pitcher's Motion to Dismiss is **GRANTED** and Plaintiff's complaint is **DISMISSED** without prejudice for the reasons stated in the Report and Recommendation.

Dated in Kalamazoo, MI:
June 27, 2006

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge